

**STATUS OF CLAIMS**

Claims 1-29 are pending

Claims 1-29 stand finally rejected.

Claims 30-31 have been newly added. No new matter has been added by this amendment.

**REMARKS**

Reconsideration and allowance of this application is respectfully requested.

**Rejections under 35 U.S.C. § 112 first paragraph**

Claims 1, 8, and 12 stand rejected under 35 USC 112 first paragraph as failing to comply with the written description requirement. More particularly, the Examiner alleges, on page 10 of the Final Office Action, that the following features are nowhere to be found in the specification: *generating advertising category prototypes by removing television behavioral viewing data parameters most common between the category behavioral profiles.* In response, Applicants respectfully submit that paragraphs [0281]-[0285], and [0409]-[0410] of the present application as published in USPUB 20030101451 and corresponding Figs. 6-7 of the drawings, provide written description support for the aforementioned claim features. In particular, attention is directed to paragraphs [0281]-[0282] which recite:

FIG. 6 illustrates the advertising category, cluster learning architecture that is applied in the targeting server. *The BCE creates m-clusters from m users from a particular advertising category training set. The Cluster Aggregator block extracts the most*

*representative aspects of the learned clusters and creates a typical profile of the group. After training over n Ad categories, n typical advertising category behavioral profiles are created. That is, FIG. 6 depicts an advertising category, behavioral prototype learning system, i.e., the top level advertising category, cluster learning architecture. The module resides at the head-end Ad Manager, inside the targeting server. Cluster learning is a continual process of defining and optimizing advertising category groups (clusters), and their correlated behavioral profiles based on high quality tagged and sampled TV user logged data. The demographic, behavioral data are either input from a third party, and/or field deployed units. A selection filter extracts the targeted advertising category at the training set for the BCE. The BCE processes each user record in the training set as if they were from the same user, thus creating a very large aggregate BM. The resulting BM is parameterized, and pruned to a subset of only highly biased dimensions that serve as the representative behavioral signature for the advertising category. This step is referred to as inter-prototype pruning, since it only removes bad, insufficiently biased, dimensions within a given BM. The BCE repeats this procedure for each training cluster, until every advertising category group has a corresponding behavioral signature profile, if one exists. A typical advertising category profile will exist if, and only if, there is at least one behavioral dimension significantly biased over random. Each SSM has a corresponding set of novel parameterizations of generic, characteristic state transition behaviors that tend to separate users.*

*FIG. 7 depicts the pruning phase of advertising category template building. This phase distances the prototypes by removing the dimensions most in common dimensions among the categories. The second stage, herein called intra-prototype pruning or intra-profile pruning, of advertising category behavioral prototype building removes dimensions in each BM that are similar to all other corresponding BM dimensions. This step selects the most distinctive dimensions across all targeting reference profiles, hence creating a minimal description length for each*

*advertising category prototype.* If the result of this pruning process is to remove all, or significantly all, of a prototype's classification dimensions, then the most similar Ad categories are merged into a single predictive class, thus diminishing the best targeting resolution of the system to the merged Ad categories. For example, if insufficient dimensional distance separates three male age groups in their 20's, 30' and 40's, then these Ad classes are merged into a single class of males between 20 and 40 years old. The targeting server sends the final targeting Ad profile prototypes, their category labels, and expected prediction performance to the Ad Server. (*emphasis added*)

In view of the foregoing, Applicants submit that claims 1, 8 and 12 fully meet the requirements of 35 USC 112. Reconsideration and withdrawal of this 35 USC 112 first paragraph rejection is requested.

#### **Rejections under 35 U.S.C. § 103(a)**

Claims 1 and 22-26 stand finally rejected under 35 USC 103(a) as being unpatentable over WO 00/33160 ("Eldering") in view of U.S. Patent Pub. No. 2008/0040749 ("Hoffberg"). The rejection is respectfully traversed, as the purported combination of Eldering and Hoffberg fails to teach or suggest each of the features of present claim 1. Furthermore, a *prima facie* case of obviousness under 35 USC 103 has not been made, as no rational basis has been articulated for the Examiner's proposed modifications, absent impermissible hindsight gleaned from Applicant's own disclosure.

Independent claim 1 is directed to a television rating system for targeted program delivery. The TV rating system includes a *server-side system* for

evaluating television *behavioral viewing data from a plurality of users* and for *categorizing the data into non-demographically classifiable category groups*; and a *client-side system* coupled to the server-side system and *adapted to classify a television user into at least one of the category groups* based on *advertising category prototypes received from a clustering engine* included in the server-side system. The clustering engine on the server side *uses a category training set for clustering the television behavioral viewing data into the category groups over a predetermined training period*. The clustering engine generates *category behavioral profiles targeting the category groups*; and further generates *advertising category prototypes* by *removing television behavioral viewing data parameters most common between the category behavioral profiles*.

The Final Office Action asserts that the combination of Eldering and Hoffberg teaches each of the aforementioned features. However, a detailed reading of the aforementioned references and the corresponding passages relied upon by the Examiner reveals that the prior art fails to teach or suggest each of the features and limitations of present claim 1. In fact, the piecemeal selections of portions of these references, combined with the strained interpretation of the references as articulated in the Final Office Action, in relation to the claimed invention, illustrate the failure of the Final Office Action to provide a *prima facie case of obviousness of claim 1*, as required under 35 USC 103(a).

The primary reference Eldering teaches a system that monitors user behavior and uses conditional probabilities or logical heuristics to determine the demographics of a subscriber (or household of subscribers). Eldering monitors advertisement watching, time, and also targets the subscriber. In the Abstract, Eldering teaches his subscriber characterization and advertisement monitoring system 100 (see FIG. 1) as

*“run locally in a television set-top (1808) **or** can be run in a client-server mode where channel selections are transmitted from the residence (1800) to a centralized switching location (server 1840) such as a telephone office or Internet Service Provider. In client-server mode the channel selections are monitored at the centralized location (1840) which also performs the subscriber characterization.” (see Abstract). (emphasis added)*

Thus, Eldering teaches two implementations: 1) the entire system is stored on the set to box to be run locally; **or** 2) a client-server configuration where the subscriber characterization is performed at the server and channel selections are transmitted from the client residence (1800) to the server for monitoring. Neither configuration contemplated by Eldering - i.e. neither Eldering's entire system run locally, nor Eldering's client-server configuration, teaches the client-server configuration recited in present claim 1.

In particular, Eldering fails to teach a client-server system arranged so that 1) *the server-side system includes a clustering engine on the server side that uses a category training set for clustering the television behavioral viewing data into the category groups over a predetermined training period; generates category behavioral profiles targeting the category groups; and further generates advertising category prototypes by removing television behavioral viewing data parameters most common between the category behavioral profiles*, such that the server side evaluates television behavioral viewing data from a plurality of users and categorizes the data into non-demographically classifiable category groups; and 2) the *client-side is coupled to the server-side system and includes a classification system on the client side adapted to classify a television user into at least one of the category groups based on advertising category prototypes received from a clustering engine included in the server-side system*.

Furthermore, no teaching exists for modifying the arrangements described in Eldering to arrive at Applicants' claimed invention, absent impermissible hindsight gleaned from Applicants' own disclosure. The Final Office Action, however, attempts to do precisely that which the patent law forbids. In particular, the Examiner admits on page 12 of the Final Office Action that:

"the classifying of user into category group (e.g. Eldering's program advertisement characteristics vector), the contextual behavioral profiling agent (e.g.

Eldering's subscriber profile), the behavioral model database (e.g. storage medium) are described for a client server system where **most** of the above components are located on the **server side**. (Note-Applicant understands that in the client-server configuration taught by Eldering, **all** of these functions are provided on the server side.)

However, the Examiner then asserts that "Eldering also provides for a set up where the system can be run locally in a television set-top". The Examiner immediately concludes that "*It would have been obvious...to modify Eldering system so that the subscriber characterization system (e.g. the claimed evaluating of behavioral viewing data, the group categorizing and the clustering engine) is located on the server side and the program / advertisement characteristic vector, subscriber profile, the resulting characterization information (e.g. the claimed classifying agent, the contextual behavioral profiling agent, the behavioral model database are located on the client side.*" The Examiner's purported motivation is that one skilled in the art would have been motivated to implement such a modification "*in order to allow a subscriber characterization information to be stored locally at a subscriber location and directly controlled by the subscriber.*"

In essence, the Final Office Action recognizes that the client-server configuration described in Eldering fails to teach the client-server arrangement as claimed in present claim 1. The Final Office Action further recognizes that the local set top configuration described in the alternative embodiment of

Eldering likewise fails to teach the client-server arrangement as claimed in present claim 1. In an attempt to achieve the Applicant's claimed invention, the Final Office Action impermissibly adopts a "hybrid" configuration of Eldering's two alternately disclosed embodiments by modifying Eldering's client-server arrangement so that certain functional portions are maintained on the server, while other functional segments are arbitrarily routed to the client. Clearly, the arbitrary segmentation, parsing and piecemeal rearrangement of functionality from that described in the local and client-server embodiments of Eldering, represents an impermissible attempt to recreate Applicant's invention. The Examiner's hindsight reconstruction to pick and choose among various functionalities, and reposition such functionalities within a modified client-server configuration, in direct contrast to the teachings of the primary reference Eldering, is clearly insufficient to establish a *prima facie* case of obviousness.

According to MPEP §2141.01, "[t]he requirement 'at the time the invention was made' is to avoid impermissible hindsight."

It is difficult but necessary that the decision maker forget what he or she has been taught ... about the claimed invention and cast the mind back to the time the invention was made (often as here many years), to occupy the mind of one skilled in the art.' W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

In the instant case, Applicant submits that without first reviewing Applicant's disclosure, no thought, whatsoever, would have been made to modify the client-server configuration described in Eldering. Accordingly, a *prima facie* case of obviousness under 35 USC 103(a) has not been made. Reconsideration and withdrawal of this 35 USC 103 rejection is requested.

While the above represents sufficient reasons for withdrawal of the present rejection, further independent reasons exist for withdrawal of the rejection under 35 USC 103. Present claim 1 recites the additional features of: "*a server-side system for evaluating television behavioral viewing data from a plurality of users and for categorizing the data into **non-demographically classifiable category groups***".

The Examiner cites Eldering for the proposition that, as part of its Subscriber Characterizing System 100 (FIG. 1), Eldering teaches a *server-side system for evaluating television behavioral viewing data from a plurality of users and for categorizing the data into demographically classifiable category groups*". However, such data categorization as described in Eldering does **not** teach the claim limitation of categorizing data into **non-demographically classifiable category groups**. The Examiner admits this deficiency on page 12 of the Final Office Action. However, the Examiner asserts that the secondary reference Hoffberg:

...discloses that stored information regarding prior sessions, current state of the machine, etc. can be used to predict the most probable next action to be taken by the user (see at least [0526-0527]; [0370-0373]). Because of the dependence of the information upon a particular user and how s/he currently and previously uses the information, the information are not standard demographic information and thus cannot be classified according to standard demographic group category. Furthermore the information can be sent to a server-side system, as a matter of design choice, for storing and being analyzed thereon.

The Examiner then concludes that "it would have been obvious...to use the non-demographically classifiable data as described in Hoffberg in Eldering because the use of these data would improve the accuracy of prediction of user's preferences."

In response, Applicant respectfully traverses this rejection, as a *prima facie* case of obviousness has not been made. Hoffberg is cited for disclosing prediction of next operations based on past behavior with a remote control.

In the first instance, the Examiner errs in summarily rejecting Claim 1 by asserting that the information in Hoffberg "*can* be sent to a server-side system, as a *matter of design choice*, for storing and being analyzed thereon" without conducting a fact-intensive study required by 35 U.S.C. § 103 and without articulating a convincing line of reasoning as to how or why would one of ordinary skill in the art *modify* the teachings of which specific reference(s)

(i.e. Eldering and/or Hoffberg). The mere fact that data *can* be sent to a server- side system does not render it obvious to do so. The Examiner's failure to articulate how Eldering and/or Hoffberg would be modified to accommodate the Examiner's proposed changes is sufficient to warrant withdrawal of the present rejection. Moreover, the Office Action fails to articulate how or even why, for the matter, the data of Hoffberg would even be **categorized** into *non-demographically classifiable category groups*, as required by claim 1. Still further, a rational basis has not been articulated for using the non-demographically classifiable data of Hoffberg in Eldering, as nowhere is there any teaching or suggestion as to how the proposed combination *would improve the accuracy of production of the user's preferences* as purported by the Examiner.

Still further, the Examiner's purported modification of the primary reference Eldering, which categorizes data into demographically classifiable category groups, to instead categorize data into "non-demographically classifiable category groups", would change the principle of operation of the primary reference. According to MPEP 2143.01 VI, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). In the instant case, the modification as proposed by the Examiner, the profile taught in Eldering would

not be formed, and advertisements would not be targeted based on demographics. Thus, the combination of Eldering and Hoffberg would not work as intended, and would have to be completely redesigned. Accordingly, the teachings of the Eldering and Hoffberg references proposed by the Examiner are not sufficient to render claim 1 *prima facie* obvious.

The Final Office Action admits on page 3 of the Final Office Action that the Eldering system, is “*designed for* monitoring and characterizing an *individual user*”. The Action goes on to assert that Eldering, however, “*is capable* of determining television programs and advertisements of interest to a user by analyzing and inferring pertinent information using data from a plurality of users (demographic information) and heuristic rules” and concludes that “therefore, it is considered that the combination of Eldering and Hoffberg *is not incompatible as alleged by Applicant.*” In response, Applicant respectfully submits that the Examiner’s proposed modification of the primary reference, which teaches categorizing data into demographically classifiable category groups, to instead categorize data into “non-demographically classifiable category groups”, clearly changes the principle of operation and the entire focus of the primary reference. Such purported modification teaches away from the operations disclosed in Eldering and is clearly insufficient to render claim 1 *prima facie* obvious. For at least the foregoing reasons, a *prima facie* case of obviousness under 35 USC 103(a) has not been met. Reconsideration and withdrawal of the present rejections is requested.

Further distinguishable from Eldering, Applicant's claim 1 requires, in part, *"using a category training set for clustering the television behavioral viewing data into the category groups over a predetermined training period; generating category behavioral profiles targeting the category groups; and generating advertising category prototypes by removing television behavioral viewing data parameters most common between the category behavioral profiles"* (emphasis added). No such category training or training period is taught in Eldering. Further, once Applicant's claimed invention categorizes the data into the non-demographically classifiable category groups, the system classifies *"a television user into at least one of the category groups based on advertising category prototypes received from the clustering engine"* (emphasis added).

That is, Applicant's claimed invention forms the non-demographically classifiable groups based on the television behavioral viewing data from a plurality of users, uses a training set to cluster the television behavioral viewing data into category groups, generates behavioral profiles targeting the category groups, removes television behavioral viewing data parameters most common between the category behavioral profiles to form advertising category prototypes, and classifies a specific user with at least one category group based on the advertising category prototypes. No combination of Eldering in view of Hoffberg teaches or suggests each of the claim features and limitations.

Accordingly, since Eldering in view of Hoffberg fail to teach, disclose or suggest all the limitations of amended claim 1, as listed above, amended claim 1 is

not obvious over Eldering in view of Hoffberg since a *prima facie* case of obviousness has not been met under MPEP §2143.

Additionally, the claims that directly or indirectly depend from amended claim 1, namely, claims 22-31, would also not be obvious over Eldering in view of Hoffberg for at least the same reasons. Furthermore, present claim 27 requires, in part, "the category training set is initially a *preexisting collection of advertising categories*" (emphasis added). Page 14 of the Final Office Action cites page 10, lines 7-30 of Eldering as allegedly teaching such feature. However, a detailed reading of the above passage fails to reveal even a hint that Eldering provides a "pre-existing collection of Ad categories". If the Examiner persists, it is respectfully requested that the Examiner cite with particularity those portions of Eldering which are asserted to read on these claim limitations.

Dependent claim 28 requires, in part, "the advertising category prototypes are *formed during the training period*" (emphasis added). The Final Office Action's assertion on page 14 that "it is necessary to characterize the viewing pattern of the subscriber over a period of time...including the time duration of their viewing" fails to even address the claimed "training period", let alone teach the additional limitation that *prototypes are formed* during the training period. No "training period" as recited in claim 28 even exists in the system of Eldering.

Still further, Claim 29 requires, in part, "*the training period is continuously adjusted*" (emphasis added). As no "training period" as recited in claim 29 is even contemplated in Eldering, continual adjustment of the training period cannot be

met. The Examiner's assertion on page 14 of the Final Office Action that "since the monitoring is based on time duration of a user's viewing, which varies with time, the training period has to be continuously adjusted" misses the mark, as the present claim requires that a category training set is used for clustering the television behavioral viewing data into the category groups over the predetermined training period, wherein the predetermined training period is continuously adjusted. As supported in para. [00285] of the specification "to determine the statistical stability period for the group non-stationary random process behavior, the learning window [i.e. time duration] is continuously adjusted from a few days, to a few months." Nowhere does the reference Eldering teach or suggest such an approach.

For at least these additional independent reasons, reconsideration and withdrawal of these 35 USC 103 rejections is requested.

Newly added claims 30 and 31 depend from patentable base claim 1 and are likewise patentable. New claim 30 recites the limitation that "the predetermined training period duration is different based on the corresponding category group" while new claim 31 requires that "all viewed programs within a given predefined time interval are rated and sorted at once to provide a behavior model estimate associated with the client side system." Support for these features may be found throughout the specification, including but not limited to para. [00285] of the specification. No combination of Eldering and Hoffberg

(even assuming arguendo those references can be combined) teaches each of the features and limitations of new claims 30-31.

*Claims 2-4 and 5-7*

Claims 2-4 and 5-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eldering and Hoffberg, in view of Hendricks I in view of Herz. For at least the reasons discussed herein above with respect to present claim 1, this rejection is respectfully traversed. The secondary references Hendricks I and Herz, alone or combined, fail to cure the deficiencies outlined above. Reconsideration and withdrawal of this 35 USC 103 rejection is requested.

*Claims 8-10*

Claims 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks II in view of Alexander, Eldering and Hoffberg. The arguments discussed herein above with regard to claim 1 and the deficiencies of the rejection in view of Eldering and Hoffberg apply equally herein to present claim 8. The references of Hendricks II and Alexander, alone or combined, fail to cure the deficiencies of the above mentioned references. For at least the foregoing reasons, a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been made. Reconsideration and withdrawal of this rejection is requested.

Notwithstanding the above, and in response to the Examiner's assertion on page 7 of the Final Office Action that Hendricks II teaches "contextual transition behaviors", Applicant submits that the mere fact that channel changes occur and that a watched program was saved, does not teach or suggest the claimed limitation of "a user monitoring device receiving the pruned program content at the client side for *recording contextual transition behaviors profiling the user to continually build a user profile of preferences and contextual transition behaviors*

*associated with the user*". At most, Hendricks II, in col. 29, lines 26-43, discloses recording "clues" such as "programs watched and time periods of television viewing." Such clues, however, are not equivalent to the "contextual transition behaviors" of the claimed invention. The concept of "transition," as clearly defined in the specification of the present application, is completely different from the static recording of programs watched and time periods of television viewing. Rather, referring to, e.g., paragraphs [0036], [0037], [0063], [0064] and [0069] of the publication (Pub. No. 2003/0101451) of the current application No.10/043,714, "transition" is a dynamic concept including, for example, transition events and state transitions. More specific examples of the "transition" include regular program and Ad transitions. Advantageously, the claimed invention can use program arrival and departure frequency and click timing as preference indicators (see, e.g., paragraph [0007] of the published application), which is an intelligent process as compared to rudimentary systems where only "programs watched and time periods of television viewing" are recorded. For these additional independent reasons, reconsideration and withdrawal of the present 35 USC 103(a) rejection is requested.

### Claim 11

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks II in view of Alexander, Eldering, Hoffberg and further in view of Bedard. The rejection is respectfully traversed for at least the following reasons. The arguments discussed herein above with regard to claim 1 and the deficiencies of the rejection in view of Eldering and Hoffberg apply equally herein to present claim 11. Furthermore, Claim 11 depends from claim 8 and includes all the limitations of claim 8. Accordingly, withdrawal of the rejection of claim 11 is respectfully requested.

*Claims 12, 13, 15-18 and 21*

Claims 12, 13, 15-18 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks I in view of Eldering. The rejection is respectfully traversed for at least the following reasons. The arguments discussed herein above with regard to claim 1 and the deficiencies of the rejection in view of Eldering apply equally to the present rejection of independent claim 12. Hendricks I fails to cure the deficiencies of Eldering. Hence, Hendricks I and Eldering, alone or combined, fail to show or suggest the claimed limitations.

Moreover, independent claim 12 of the present application requires, in part, a knowledge base acquirer outputting a knowledge base in the form of a "*transition matrix*," "*the advertising category prototypes are generated at the head-end side by removing television viewing data parameters most common between category behavioral profiles formed at the head-end side by using a category training set for clustering the viewing information from the plurality of users into the plurality of classifiable category groups over a predetermined training period*" (emphasis added), and "*a user is classified into at least one category group based on advertising category prototypes transmitted from the head-end side*" (emphasis added). Hendricks and Eldering, alone or in combination, fail to show or suggest at least such limitations.

Furthermore, Hendricks I discloses the determinations and decisions of content targeting are only handled at the headend. Eldering relates to determining a demographic of a single user (or household of users). Moreover, since the information received *from a plurality of users* is selected from the group consisting of watch data, watch start time data, watch duration data, and watch

channel data, *demographic information describing a program user*, there would be no need to determine a *demographic group of a user* as in Eldering since it is already known. Therefore, it is clear that Eldering is further distinguishable from present claim 12.

Moreover, even if Hendricks I is combined with Eldering, the result would still not teach or suggest

a central data system at the head-end side which receives *viewing information from a plurality of users* selected from the group consisting of watch data, watch start time data, watch duration data, and watch channel data, *demographic information describing a program user*, and electronic program guide information with metadata describing a program content; a demographic cluster knowledge base acquirer receiving from the client side *behavioral data of the user*, the knowledge base acquirer outputting a knowledge base based on the viewing information in the form of a transition matrix with weight sets, the transition matrix used for predicting a category group of the user based on the behavioral data of the user and a program content generating module disposed at the head-end side and providing to the client side streams of program content based on the predicted category group of the user, wherein a user is classified into at least one category group based on advertising category prototypes transmitted from the headend side, wherein the advertising category prototypes are generated at the head-end side by removing television viewing data parameters most common between category behavioral profiles formed at the head-end side by using a category training set for clustering the viewing information from the plurality of users into the plurality of classifiable category groups over a predetermined training period" (emphasis added).

Accordingly, withdrawal of the rejection of claims 12, 13, 15-18, and 21 is respectfully requested.

*Claims 14 and 19*

Claims 14 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Eldering, and further in view of Herz. The rejection is respectfully traversed for at least the following reasons. The arguments discussed herein above with regard to claims 1 and 12, respectively, and the deficiencies of the rejections in view of Eldering and Hendricks I apply equally to the present rejection of claims 14 and 19, which depend from patentable base claim 12. Herz fails to cure the deficiencies of the Eldering and Hendricks I references. Reconsideration and withdrawal of this 35 USC 103 rejection is requested.

*Claim 20*

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Eldering further in view of Herz, and further in view of Rabiner. The rejection is respectfully traversed as Hendricks, Eldering, Herz and Rabiner, alone or combined, do not teach or suggest all of the claimed limitations.

Claim 20 depends from claim 12, and includes all the limitations of patentable base claim 12. Rabiner fails to cure the deficiencies of Hendricks, Eldering, and Herz. Accordingly, claim 20 would also not be obvious over the combination of Hendricks 1 in view of Eldering, Herz and Rabiner for at least the same reasons. Reconsideration and withdrawal of the 35 USC 103 rejection of claim 20 is respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does

not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Serial No. 10/043,714  
Amdt. dated September 2, 2010  
Reply to Final Office Action of March 2, 2010

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## **CONCLUSION**

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6809 so that a mutually convenient date and time for a telephonic interview may be scheduled.

Please charge the applicable fees associated with this Amendment to our Deposit Account No. 07-0832.

Respectfully submitted,  
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